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Attorneys for the Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP GODLEWSKI,

Plaintiff,

v.

**EDUARDO NICOLAS ALVEAR
GONZALEZ, *AKA* ALVEAR GONZALEZ
EDUARDO NICOLAS, *AKA*
NICOLAS ALVEAR; and
GOOD LION TV, LLC,**

Defendants

**CIVIL ACTION—LAW & EQUITY
(*HON. JULIA K. MUNLEY*)**

JURY TRIAL DEMANDED

No.: 3:24—CV—00344

**DEFENDANTS' MOTIONS TO BRIEFLY EXTEND TIME TO FILE A MOTION
TO DISMISS PLAINTIFF'S COMPLAINT & A RESPONSE TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION PURSUANT TO F.R.C.P. 6(b)(1)(B)**

AND NOW COME Defendants, Eduardo Nicolas Alvear Gonzalez, *aka* Alvear Gonzalez Eduardo Nicolas, *aka* Nicolas Alvear (collectively, "Individual Defendant") and Good Lion TV, LLC ("Corporate Defendant"), by and through their counsel, Rothenberg & Campbell, and hereby moves this Honorable Court to extend both the deadlines to file a Motion to Dismiss Plaintiff's Complaint and a Response to Plaintiff's Motion for Preliminary Injunction each by ten (10) days, alleging as follows:

1. Plaintiff commenced the instant action by filing a Complaint against Defendants in the United States District Court for the Middle District of Pennsylvania on February 28, 2024. (See ECF Doc. 1).
2. Without waiving the right to challenge proper service of process and for purposes of the instant Motion, Plaintiff alleges that Individual Defendant and Corporate Defendant were each served with the Summons and Complaint on March 5, 2024 by process server. (See ECF Doc. 9 at ¶2).
3. On March 8, 2024, Plaintiff filed a document entitled “Motion for Preliminary Injunction,” which consisted of a one-page paragraph incorporating an attached Brief in Support of Petitioner’s Motion for a Preliminary Injunction. (See ECF Doc. 5 & 5-1).
4. Without waiving the right to challenge proper service of process and for purposes of the instant Motion, Plaintiff alleges that Individual Defendant and Corporate Defendant were each served with a copy of Plaintiff’s document entitled “Motion for a Preliminary Injunction” on March 18, 2024 *via* USPS Priority Mail. (See ECF Doc. 9 at ¶¶ 4-5).
5. On March 26, 2024, Plaintiff filed a document entitled “Motion for Default Judgment and Damages.” (See ECF Doc. 9, *generally*).
6. At all times pertinent hereto, both Individual Defendant and Corporate Defendant were not represented by counsel until March 27, 2024, when Defendants collectively retained the undersigned as counsel to represent their respective interests in the above-captioned matter.

7. On March 27, 2024, this Honorable Court issued an Order denying and dismissing Plaintiff's document entitle "Motion for Default Judgment and Damages". (See ECF Doc. 10).

8. Also on March 27, 2024, undersigned counsel entered their appearances for Individual Defendant and Corporate Defendant, having just been retained earlier that day by Defendants. (See ECF Doc. 11).

9. Upon cursory review of Plaintiff's Complaint and document entitled "Motion for Preliminary Injunction," the undersigned counsel believes in good faith that filing a Motion to Dismiss Plaintiff's Complaint pursuant to F.R.C.P. 12(b)(1) and 12(b)(6) is appropriate, challenging Plaintiff's service of process and legal sufficiency of his Complaint as well as this Honorable Court's personal and subject matter jurisdiction.

10. As understand counsel was just recently retained by Defendants in the above-captioned case, Defendants respectfully request brief extensions of time to respond to Plaintiff's Complaint and Plaintiff's document entitled Motion for Preliminary Injunction such that Defendants' response to Plaintiff's Complaint be extended ten (10) days from March 25, 2024 until April 4, 2024 and Defendants' response to Plaintiff's document entitled "Motion for Preliminary Injunction" be extended ten (10) days from April 1, 2024 until April 11, 2024, respectively.

11. Federal Rule of Civil Procedure 6(b) governs extensions of time for when parties must act and permits the court to extend deadlines for good cause shown. See F.R.C.P. 6(b).

12. If a request to extend time is made before the original time or its extension expires, the court may extend that time with or without motion or notice. See Id.

13. If a request to extend time is made after expiration of the designated time due, Rule 6(b)(1)(B) requires a finding of “excusable neglect” before a court permits the untimely motion to be filed. F.R.C.P. 6(b)(1)(B); Abu-Jamal v. Wetzel, 2016 WL 9736118 at *1 (Pa. M.D. 2016) (*Not Reported in Fed. Supp.*) (*citing Drippe v. Tobelinski*, 604 F.3d 778, 784-85 (3d Cir. 2010)).

14. “[T]he excusable neglect inquiry must consider ‘all relevant circumstances surrounding the party’s omission. These include... the danger of prejudice... the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.’” Id. (internal citation omitted).

15. This Honorable Court has found the danger of prejudice low and ultimate delay in proceedings relatively minor for defendants’ request for a one-week enlargement of time to respond to a Motion for Preliminary Injunction despite objecting plaintiff’s alleged illness and symptomatology; the court granted defendants’ motion, finding their request “not egregious”. Id. (Holding that notwithstanding defendants’ control of the delay, there was no indication of any bad faith on the part of defendants and, considering all the relevant factors, found defendants’ neglect excusable, granting their request).

16. Without waiving the right to challenge proper service of process and for purposes of the instant Motion, Defendants’ response to Plaintiff’s Complaint was due March 25, 2024

(not expired) and their response to Plaintiff's Motion for Preliminary Injunction is due April 1, 2024 (not expired).

17. Defendants allege that they were not in control of the circumstances or were otherwise unrepresented by counsel at the time, that their requests to extend the respective deadlines by ten (10) days are reasonable and will neither substantially affect the timing of the legal proceedings nor cause any undue prejudice to Plaintiff, Defendants presenting the instant Motion in good faith.

18. Counsel for Defendants sent out an e-mail to counsel for Plaintiff, Timothy M. Kolman, Esquire, on March 28, 2024 respectfully requesting concurrence in the instant Motion but, because time is of the essence and having not heard from Plaintiff's counsel in the short timeframe for filing, Defendants assume that Plaintiff opposes the instant Motion.

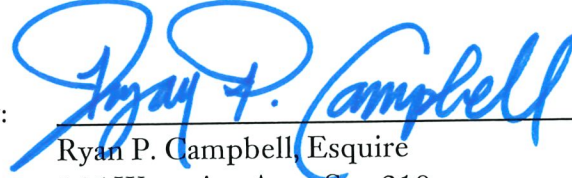
19. As such, Defendants respectfully move for their deadlines for responding to Plaintiff's Complaint and Motion for Preliminary Injunction be extended ten (10) days each such that Defendants' response to Plaintiff's Complaint is due no later than April 5, 2024 and Defendants' response to Plaintiff's Motion for Preliminary Injunction is due no later than April 11, 2024.

WHEREFORE, for all of the reasons stated supra, Defendants, Eduardo Nicolas Alvear Gonzalez, *aka* Alvear Gonzalez Eduardo Nicolas, *aka* Nicolas Alvear, and Good Lion TV, LLC, by and through undersigned counsel, respectfully request that this Honorable Court GRANT their Motion to Extend Deadlines to File a Motion to Dismiss Plaintiff's Complaint and a Response to Plaintiff's Motion for Preliminary Injunction, respectively and any other relief this Honorable Court deems necessary and just.

Respectfully Submitted,

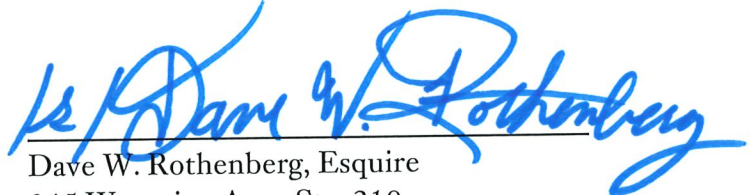
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Attorneys for Defendants

Date: March 28, 2024

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Attorneys for the Defendants

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**CIVIL ACTION—LAW & EQUITY
(HON. JULIA K. MUNLEY)**

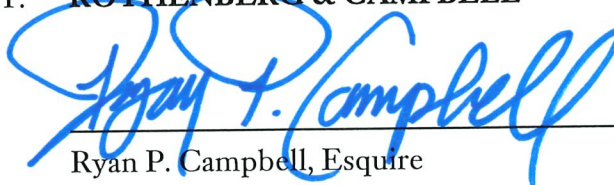
JURY TRIAL DEMANDED

No.: 3:24—CV—00344

CERTIFICATE OF NONCURRENCE

I, Ryan P. Campbell, Esquire, on behalf of Defendants, do hereby certify that I sought concurrence in Defendants' Motion to Extend Time to File a Motion to Dismiss Plaintiff's Complaint and Respond to Plaintiff's Motion for Preliminary Injunction by phone call on March 27, 2024 to Plaintiff's counsel, Timothy M. Kolman, Esq. and by e-mail on March 28, 2024 but, time being of the essence and having heard no response, assume that Plaintiff does not concur in the instant motion.

BY: **ROTHENBERG & CAMPBELL**



Ryan P. Campbell, Esquire
Attorneys for Defendants

Date: March 28, 2024

ROTHENBERG & CAMPBELL

Attorneys for the Defendants

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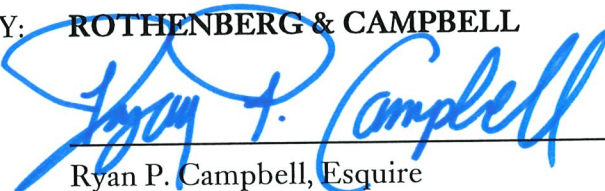
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CERTIFICATE OF SERVICE

I, Ryan P. Campbell, Esquire, on behalf of Defendants, do hereby certify that I sent a true and accurate copy of Defendants' Motion to Extend Deadlines in the above-captioned case on this **28th day of March, 2024** to the below named individuals by ECF and Electronic Mail addressed as follows:

Timothy M. Kolman, Esq.
414 Hulmeville Ave.
Penndel, PA 19047
e. tkolman@kolmanlaw.com
Attorneys for Plaintiff

BY: **ROTHENBERG & CAMPBELL**



Ryan P. Campbell, Esquire
Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP GODLEWSKI, v. EDUARDO NICOLAS ALVEAR GONZALEZ, AKA ALVEAR GONZALEZ EDUARDO NICOLAS, AKA NICOLAS ALVEAR; and GOOD LION TV, LLC,	Plaintiff, Defendants	CIVIL ACTION—LAW & EQUITY (HON. JULIA K. MUNLEY) JURY TRIAL DEMANDED No.: 3:24—CV—00344
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ORDER

AND NOW, this ____ day of _____, 2024, upon consideration of Defendants' Motions to Briefly Extend Time to File a Motion to Dismiss Plaintiff's Complaint & A Response to Plaintiff's Motion for Preliminary Injunction Pursuant to F.R.C.P. 6(b)(1)(B), response hereto, and good cause shown and any neglect excused, it is hereby **ORDERED** and **DECREED** that Defendants' Motion is **GRANTED**.

IT IS HEREBY ORDERED that Defendants' deadlines to file responses to Plaintiff's Complaint and Motion for Preliminary Injunction shall be extended ten (10) days respectively, such that Defendants shall file their response to Plaintiff's Complaint no later than **April 5, 2024** and shall file their response to Plaintiff's Motion for Preliminary Injunction no later than **April 11, 2024**.

The Clerk is instructed to amend these due dates accordingly to reflect this Order. All remaining due dates established by this Court shall remain unchanged until further Order of Court.

BY THE COURT:

HON. JULIA K. MUNLEY, J.